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Attorneys for Defendant
EXPERIAN INFORMATION SOLUTIONS, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

LYNN MCBRIDE,

Plaintiff,

v.

Experian Information Solutions, Inc.;
Comenity, LLC and DOES 1 through 100
inclusive,

Defendants.

CASE NO.

**NOTICE OF REMOVAL OF ACTION
PURSUANT 28 U.S.C. § 1441**

[FEDERAL QUESTION JURISDICTION]

NAI-1500569954v1

1 **TO THE CLERK OF COURT:**

2 **PLEASE TAKE NOTICE THAT**, pursuant to 28 U.S.C. § 1441 *et seq.*, Defendant
3 Experian Information Solutions, Inc. (“Experian”) hereby files a Notice of Removal for the
4 above-captioned action to this Court.

5 In further support of this Notice, Experian states:

6 1. Experian is a named Defendant in Civil Action No. 1-15-cv-285624 filed in the
7 Superior Court of the State of California, County of Santa Clara, Limited Jurisdiction Division
8 (the “State Court Action”).

9 2. The Complaint in the State Court Action was filed with the Clerk of the Superior
10 Court of the State of California, County of Santa Clara, on September 15, 2015. Experian was
11 served with the Complaint on September 28, 2015.

12 3. This Notice is being filed with this Court within thirty (30) days after Experian
13 received a copy of Plaintiff’s initial pleadings setting forth the claims for relief upon which
14 Plaintiff’s action is based.

15 4. Pursuant to 28 U.S.C. § 1446(a), attached hereto as **Exhibit A** is a true and correct
16 copy of all substantive records and proceedings from the State Court Action.

17 5. Pursuant to 28 U.S.C. § 1446(d), Experian shall file a copy of this Notice of
18 Removal with the clerk of the State Court Action, and shall serve Plaintiff through her attorney of
19 record in the State Court Action with this Notice promptly after its filing.

20 6. Experian is a corporation which, for monetary fees, regularly engages in whole or
21 in part in the practice of assembling consumer credit information or other information on
22 consumers for the purpose of furnishing consumer reports to third parties. Experian uses means
23 or facilities of interstate commerce for the purpose of preparing or furnishing consumer reports,
24 and therefore is a “consumer reporting agency” within the meaning of 15 U.S.C. § 1681a(f).

25 7. The claims of relief alleged in the State Court Action arise under the Fair Credit
26 Reporting Act, 15 U.S.C. §§ 1681-1681u. Thus, this court has original subject matter jurisdiction
27 over the above-captioned action pursuant to 28 U.S.C. § 1331 and 15 U.S.C. § 1681p. The
28

1 above-captioned action may properly be removed to this United States District Court pursuant to
2 28 U.S.C. § 1441(a) and (b).

3 8. This Court is the proper district court for removal because Santa Clara County
4 Superior Court is located within the United States District Court for the Northern District of
5 California. The proper intradistrict assignment for this case is the San Jose Division per Civil
6 Local Rule 3-2(e).

7 9. Experian is informed and believes that no other defendant in the State Court
8 Action have been served with Summons and the Complaint.

9 10. By filing this Notice of Removal, Experian does not waive any defense to the
10 Complaint, including but not limited to lack of service, improper service, or lack of personal
11 jurisdiction.

12 WHEREFORE, Experian notices the removal of this case to the United States District
13 Court for the Northern District of California pursuant to 28 U.S.C. §1441 *et seq.*

14
15 Dated: October 5, 2015

JONES DAY

16
17 By: /s/ Alyssa M. Staudinger

Alyssa M. Staudinger

18 Attorneys for Defendant
19 EXPERIAN INFORMATION SOLUTIONS,
20 INC.
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PROOF OF SERVICE

I, Deborah Hayes, declare:

I am a citizen of the United States and employed in Orange County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 3161 Michelson Drive, Suite 800, Irvine, California 92612.4408. I am readily familiar with this firm's practice for collection and processing of correspondence for mailing with the United States Postal Service. On October 5, 2015, I placed with this firm at the above address for deposit with the United States Postal Service a true and correct copy of the within document(s):

**NOTICE OF REMOVAL OF ACTION PURSUANT 28 U.S.C. § 1441
[FEDERAL QUESTION JURISDICTION]**

in a sealed envelope, postage fully paid, addressed as follows:

Scott J. Sagaria
Elliot W. Gale
Joseph M. Angelo
SAGARIA LAW, P.C.
2033 Gateway Place, 5th Floor
San Jose, CA 95110
Tel: 408.279.2288; Fax: 408.279.2299

Attorneys for Plaintiff
LYNN MCBRIDE

Following ordinary business practices, the envelope was sealed and placed for collection and mailing on this date, and would, in the ordinary course of business, be deposited with the United States Postal Service on this date.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on October 5, 2015, at Irvine, California.

/s/ Deborah Hayes
Deborah Hayes